UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,238	09/08/2000	John C. Zurawski	068520.0109	3002

7590 03/25/2004	**EXAMINER**
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ART UNIT	PAPER NUMBER
2143	6

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/658,238	ZURAWSKI, JOHN C.
	Examiner	Art Unit	
	David E. England	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 September 2000_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-17_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _08 September 2000_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _4,5_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 17 are presented for examination.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 7, 11 and 16 are provisionally rejected under the judicially created doctrine of double patenting over claims 1 and 7 of copending Application No. 09/658237. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

3. The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: providing a set of predetermined function definitions which are different;

4. storing a project definition that includes:

5. a plurality of function portions which each correspond to one of said function definitions in said set, and which each define at least one input port and at least one output port that are functionally related according to the corresponding function definition; a further portion which includes a source portion identifying a data

source and defining an output port through which data from the data source can be produced, and which

includes a destination portion identifying a data destination and defining an input port through which data can

be supplied to the data destination; and binding information which includes binding portions that each associate

a respective said input port with one of said output ports.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims

corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397

F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

6.   Claims 1, 7, 11 and 16 are rejected under the judicially created doctrine of obviousness-type double

patenting as being unpatentable over claims 1 and 7 of U.S. Application No. 09/658237 in view of Nguyen et al.

(6202070) (hereinafter Nguyen).

7.   As per claim 1, as closely interpreted by the Examiner, Applicant's previously submitted application

claims teaches a method, comprising the steps of:

8.   providing a set of predetermined function definitions which are different;

9.   storing a project definition that includes:

10.   a plurality of function portions which each correspond to one of said function definitions in said set, and

which each define at least one input port and at least one output port that are functionally related according to

the corresponding function definition;

11.   a further portion which includes a source portion identifying a data source and defining an output port

through which data from the data source can be produced, and which includes a destination portion identifying a

data destination and defining an input port through which data can be supplied to the data destination; and

12.   binding information which includes binding portions that each associate a respective said input port with one of said output ports; but does not specifically teach automatically initiating execution of said project definition in response to a change to data in said data source.

13.   Nguyen teaches automatically initiating execution of said project definition in response to a change to data in said data source, (e.g. col. 3, line 38 – col. 4, line 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make a system automated in response to updated information, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner, 120 USPQ 192.*

14.   Claims 7, 11 and 16 are rejected for similar reasons as stated above.

Second Office Action

15.   Claims 1 – 17 are presented for examination.

Information Disclosure Statement

16.   The information disclosure statement filed 11/13/2000 fails to comply with 37 CFR 1.98(a)(1), which requires 1449 list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

17.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the predetermined function definitions must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

18.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the function portions must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

19.   A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

20.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the trigger must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

21.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the causing said data source to automatically transmit said trigger through a communications link must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

22.   A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

23.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the responding to receipt of said trigger through said communications link by effecting said initiating of execution of said project definition must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

24.   A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

25.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

26.   Claims 1, 7, 11 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation of, "predetermined function definitions", is not specifically stated, as to what its function is, in the specification.

27.   Claims 1, 7, 11 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation of, "a plurality of function portions", is not specifically stated, as to what its function is, in the specification.

28.   Claims 2, 3, 8, 9, 10, 11 and 15 – 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the enablement requirement. The claim(s) contains subject matter which was not described in the

specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly

connected, to make and/or use the invention. The term "trigger" is not specifically defined in the specification.

29.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which
> the applicant regards as his invention.

30.   Claims 2, 3, 8, 9, 10, 11 and 15 – 17 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. The term "trigger" is ambiguous as to the specific meaning of the word.

Claim Rejections - 35 USC § 103

31.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set

forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this
> title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter
> pertains. Patentability shall not be negatived by the manner in which the invention was made.

32.   Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coile (6654795) in view

of Nguyen et al. (6202070) (hereinafter Nguyen).

33.   As per claim 1, as closely interpreted by the Examiner, Coile teaches a method, comprising the steps of:

34.   providing a set of predetermined function definitions which are different, (e.g. col. 1, lines 37 – 65,

"*HTTP, IP*" & col. 4, line 36 – col. 5, line 12, "*IP*");

35.   storing a project definition that includes:

36.   a plurality of function portions which each correspond to one of said function definitions in said set, and

which each define at least one input port and at least one output port that are functionally related according to

the corresponding function definition, (e.g. col. 1, lines 37 – 65 & col. 4, line 36 – col. 5, line 12, "*source and*

destination ports");

37.   a further portion which includes a source portion identifying a data source and defining an output port

through which data from the data source can be produced, and which includes a destination portion identifying a

data destination and defining an input port through which data can be supplied to the data destination, (e.g. col.

1, lines 37 – 65 & col. 4, line 36 – col. 5, line 12, "*source and destination addresses*"); and

38.   binding information which includes binding portions that each associate a respective said input port with

one of said output ports, (e.g. col. 1, lines 37 – 65 & col. 4, line 36 – col. 5, line 12, "*IP packet*"); but does not

specifically teach automatically initiating execution of said project definition in response to a change to data in

said data source.

39.   Nguyen teaches automatically initiating execution of said project definition in response to a change to

data in said data source, (e.g. col. 3, line 38 – col. 4, line 20). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to make a system automated in response to updated

information, since it has been held that broadly providing a mechanical or automatic means to replace manual

activity which has accomplished the same result involves only routine skill in the art. *In re Venner, 120 USPQ*

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40.   As per claim 2, as closely interpreted by the Examiner, Coile does not specifically teach the steps of

causing said data source to automatically generate a trigger in response to a change to data therein;

41.   causing said data source to automatically transmit said trigger through a communications link; and

42.   responding to receipt of said trigger through said communications link by effecting said initiating of execution of said project definition. Nguyen teaches the steps of causing said data source to automatically generate a trigger in response to a change to data therein, (e.g. col. 3, line 38 – col. 4, line 20 & col. 26, lines 35 – 65);

43.   causing said data source to automatically transmit said trigger through a communications link, (e.g. col. 3, line 38 – col. 4, line 20 & col. 26, lines 35 – 65); and

44.   responding to receipt of said trigger through said communications link by effecting said initiating of execution of said project definition, (e.g. col. 3, line 38 – col. 4, line 20 & col. 26, lines 35 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nguyen with Coile because of similar reasons as stated above and furthermore, it would make a system more efficient to have a real time system that transmits changes over a network automatically immediately as they happen.

45.   As per claim 3, as closely interpreted by the Examiner, Coile does not specifically teach the step of expressing said trigger in a public communication protocol. Nguyen teaches teach the step of expressing said trigger in a public communication protocol, (e.g. col. 3, line 38 – col. 4, line 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nguyen with Coile because of similar reasons as stated above.

46.   As per claim 4, as closely interpreted by the Examiner, Coile teaches the step selecting as said public communication protocol the eXtensible Markup Language (XML) protocol, (e.g. col. 1, lines 15 – 30).

47.   As per claim 5, as closely interpreted by the Examiner, Coile teaches the step of configuring said communications link to include a network, (e.g. col. 7, line 55 – col. 8, line 24 & col. 8, lines 46 – 65).

Any inquiry concerning this communication or earlier communications from the examiner should be

directed to David E. England whose telephone number is 703-305-5333. The examiner can normally be

reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A.

Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or

proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De

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